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OCT 10 2006REMARKS/ARGUMENTS

Applicants have amended the claims to obviate the instant rejection. Claims 1, and 3-5 remain in the application. Claim 2 has been cancelled. The Claims have been rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al., Sanghvi et al., Stockton et al., and Nagle et al. in combination. The Examiner states that "the combination of cited prior art makes obvious the conversion of supported/unsupported alcohols to the corresponding halide with a halide reagent in the presence of a solvent." (Office Action, page 3) Applicants respectfully disagree.

The cited art lacks motivation to combine. There is no teaching or suggestion of the combination of applicants' claimed elements within the art cited by the Examiner. As the Examiner properly notes, Webber does not teach or suggest adding an amide containing catalyst to the reaction. Moreover, while Webber does not disclose adding an amide containing catalyst, Stockel and Nagle do not provide disclosures for such either, in the context of applicants' claimed invention.

The Examiner incorrectly asserts that "the skilled artisan would have been motivated to utilize N,N-disubstituted formamides in the amounts recited by the instant claims" from the disclosures in Stockel and Nagle. Stockel does not disclose adding an amide containing catalyst to the reaction vessel. In fact, Stockel adds the N,N-disubstituted formamides as a reagent in the reaction. Moreover, Stockel teaches a method for making 3,3-Bis(Chloromethyl) Oxetane. Applicants' invention is directed at converting a substituted or unsubstituted solid supported trityl alcohol to a substituted or unsubstituted solid support trityl chloride. These processes are non-analogous because of the nature of the reactions.

Furthermore, Nagle does not teach or suggest applicants' invention because while Nagle discloses the use of an amino group Nagle teaches away from the use of polar solvents with these groups, one of applicants' claimed elements. (Nagle, page 3012) The claims have been amended to recite that the solvents used in the process are specific polar solvents: dichloromethane, toluene, dichloroethane, and tetrahydrofuran, and mixtures thereof. Nagle asserts that "polar solvents such as dichloromethane were avoided because undesired side reactions, including

rearrangements, occasionally took place and further purifications were required.” (Nagle, p3012). Nagle suggests that polar solvents are not viable absent the addition of a β amine. Applicants’ claim to the use of specific polar solvents without requiring use of the β amine would destroy the utility of the disclosure of Nagle.

Furthermore, a rejection in combination with Sanghvi et al is improper because Sanghvi does not disclose, teach, or suggest applicants’ claimed process but instead discloses a process for the recovery of triarylmethyl halide protecting groups that were cleaved during oligonucleotide synthesis. One of ordinary skill in the art would not look to a reference dealing with oligonucleotide synthesis to provide a teaching for converting a substituted or unsubstituted solid supported trityl alcohol to a substituted or unsubstituted solid support trityl chloride. There is no motivation to take the teachings of Sanghvi and to combine them with other teachings to arrive at the claimed result.

It is not enough that it would have been obvious to try the combination to achieve applicants’ claimed invention, but there must be some teaching or motivation within the references to combine them. Hindsight combination does not meet the burden and applicants feel that there is sufficient difference in the disclosures from the claimed invention to meet the standard of non-obviousness.

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CONCLUSION

Applicants have provided a complete listing of the claims for the Examiner's review. Applicants believe that the pending claims, Claims 1-5, are in condition for allowance and Applicants respectfully request that a timely Notice of Allowance be issued in this case.

In accordance with 37 CFR § 1.17 Applicants hereby authorize the Commissioner to charge any fees which may be required or credit for overpayment for entry of this Amendment to Deposit Account No. 18-1850.

Respectfully submitted,


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